**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD**

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO**

**Writ Petition No.18428 of 1996**

**DATED 28-11-2006**

BETWEEN

Siel Limited represented by its Power of Attorney Holder
Sri Dinesh Vijapurkar.

... Petitioner

And

Hyderabad Urban Development Authority,
Represented by its Vice Chairman,
Paigah Palace, Police Lines, Secunderabad-3
And two others,

.. Respondents

**THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO**

**WRIT PETITION NO.18428 of 1996**

**ORDER:**

This writ petition has been instituted by M/s. SIEL Limited questioning the validity of the order passed on 13.6.1996 by the Hyderabad Urban Development Authority wherein it has been informed that a sum of Rs.9,94,890/- is required to be paid by the petitioner for the purpose of according necessary building permission applied for. The break up for this amount has been worked out and furnished by the 1st respondent-Hyderabad Urban Development Authority through its communication dated 7.3.1996 read with communication dated 19.4.1996.

The writ petitioner has agreed to pay the said amount to the 1st respondent in view of the following averments made on behalf of the 1st respondent in the counter affidavit, which are as under;

> "It is further submitted that as the existing structures were constructed without any approval from the competent authority and as the pending application GO Ms.No.51 MA, dated 5.2.1996 came into force, the petitioner was asked to pay the developmental charges in accordance with the GO existing as on the date of consideration of the application. It is submitted that the petitioner was asked to pay the developmental charges for the entire building as the petitioner did not produce any proof to show that the structures were raised with prior approval from the competent authority before the Urban Areas Development Act, 1975 came into force. In view of the fact that the petitioner has not produced any material to show that building permission was granted prior to 1975 by the Gram Panchayat, developmental charges were levied for the entire building.
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> …… It is submitted that in the event the petitioner produces necessary material showing that the permission was obtained by the Gram Panchayat prior to the Act came into force, then the case of the petitioner will be considered in accordance with the rules."

Therefore, the writ petitioner can pay the amount as demanded by the 1st respondent - Urban Development Authority and also produce before it the necessary material to enable the first respondent to arrive at the conclusion that the constructions in question have been made strictly in accordance with and in conformity with the necessary building permissions obtained by the writ petitioner or its predecessors in interest. Learned counsel for the petitioner prayed for a month's time

for making the payment. Accordingly, one month time is granted from today to the writ petitioner to pay up the amount as demanded by the Urban Development Authority, which shall consider the material produced by the writ petitioner to arrive at a conclusion as to whether these developmental charges are leviable or not. The decision in this regard shall be taken within a maximum period of two months thereafter.

With the above direction, the writ petition stands disposed of however without going into the issues raised by this Court in its order dated 14.6.2006.

**Nooty Ramamohana Rao,J**

Dated 28.11.2006
msv